

Docket No.: 057042-0081

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Emmanuel KANTERAKIS, et al.

RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE

Application No.: 10/649,816

Customer No.: 20277
Confirmation No.: 5994

Filed: August 28, 2003

Group Art Unit: 2631

Examiner: T. Bocure

Title: PRE-DATA POWER CONTROL COMMON PACKET CHANNEL

**PETITION FOR EXERCISE OF SUPERVISORY AUTHORITY
AND WITHDRAWAL FINAL OFFICE ACTION**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the Director exercise supervisory authority and instruct the Examiner to withdraw the finality of the August 23, 2005 Office Action regarding the above identified application.

At the time of the August 23, 2005 Office Action, claims 5-23 were pending in the above-identified application (see pages 2-7 of Applicants' May 23, 2005 Amendment). The Office Action, however, addressed only claims 5-22. Pending claim 23 apparently was not considered. Since the August 23, 2005 Office Action clearly was incomplete, it is requested that the Office withdraw that Action and the finality thereof and issue a new complete Action properly addressing all claims pending in this application. This petition is filed within one month of the action date.

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An amendment of the application is filed concurrently herewith, to address the issues discussed in the latest Action. Upon withdrawal of the August 23, 2005 final Office Action, that amendment should be entered as a matter of right, and prompt favorable reconsideration is solicited.

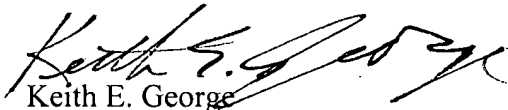
Petition Fee/Request for Refund

Please charge the petition fee of \$130.00 (37 C.R.F. § 1.17(h)) to Deposit Account 500417. However, in view of the incomplete nature of the final Action, it is believed that the need for this petition arose from a clear error on the part of the Office and through no fault of Applicants. As such, Applicants respectfully request refund of the petition fee. The refund should be credited to said Deposit Account 500417.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: September 23, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**